HON'BLE DR. JUSTICE G. YETHIRAJULU

W.P.No.13050 of 2003

DATED: 26-11-2007

Between:

Douglas Memorial Education Trust, running the Hannamma Christian College of Education, Proddatur, represented by its Chairman and Correspondent N. Hannamma

……. Petitioner

and

1. **Government of Andhra Pradesh, represented by its secretary, School Education, Secretariats Buildings, Hyderabad and 2 others.**

…….. Respondents

HON'BLE DR. JUSTICE G. YETHIRAJULU

W.P.No.13050 of 2003

ORDER:

This writ petition has been filed by Douglas Memorial Education Trust represented by Sri N. Hannamma against the respondents praying to declare that the registration done by the third respondent, which was accepted by the second respondent, is illegal and contrary to the law and to issue a writ of Mandamus canceling the order of the above mentioned registration, dated 04-05-2002 made by the second respondent.

It is contended by the petitioner representing the Society that since 1981, she has been running the Society by registering it under the A.P. Societies Registration Act on 22-04-1981 through the second respondent registering authority and they have been renewing the registration up to 2002-2003. The third respondent, without any manner of right, got registered another society with the name and style of the petitioner-society asserting that he would manage the Society as President with another set of members. When there was a dispute raised before elders, the third respondent gave a notarized affidavit conceding that the petitioner is representing the society and he has no right to interfere with the affairs of the society. In pursuance of that, the petitioner's counsel represented that, after giving the said notarized affidavit, the third respondent did not evince any interest and he did not chose to file counter also in this writ petition, therefore, unless the second respondent is directed to cancel the registration of the society registered by third respondent, the petitioner-society cannot function without any interference. Therefore, requested to hold that the registration and renewal of the society registered by the third respondent is illegal and contrary to the law under Section

6 (2) (a) of the A.P. Societies Registration Act, 2001, which reads as follows:

> **6. Societies not to be registered with undesirable names:-** (1) No society shall be registered by a name which contravenes the provisions of the Emblems and Names (Prevention of the Improper use) Act, 1950 (Central Act 12 of 1950).
>
> 2 (a) No society shall be registered in a District by a name, which is identical with that of another registered society in existence in the same District or so nearly resembling it so as to mislead except where the registered society in existence is in the course of being dissolved and signifies in writing its consent to such registration.
>
> (b) Except with the ……..”

In view of the above provision, no identical society can be registered with that of the society in existence, which is likely to mislead the public. If the third respondent is particular to run any society, he may register the society by putting another name, but not the same name as that of the petitioner-society. Therefore, I am inclined to direct the second respondent to cancel the registration and renewal of the society of the third respondent for peaceful functioning of the petitioner-society in running the Educational Institutions at Proddatur.

In the result, the Writ Petition is allowed. The second respondent is directed to cancel the registration and renewal of the society of the third respondent. No order as to costs.

DR. G. YETHIRAJULU, J

Date:26-11-2007

YCR